

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CALIFORNIA VIRTUAL ACADEMIES.

OAH Case No. 2015091090

ORDER DENYING MOTION TO
DISMISS WITHOUT PREJUDICE

On September 23, 2015, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings naming California Virtual Academies at Los Angeles as the respondent. On October 20, 2015, Student filed a first amended complaint. On November 4, 2015, Student filed a second amended complaint. On November 16, 2015, CAVA filed a notice of insufficiency. On November 20, 2015, OAH found the second amended complaint insufficient, allowing Student to file a third amended complaint within 14 days, and ordering that if Student fails to file a timely third amended complaint, the second amended complaint will be dismissed and the matter will be closed.

On November 25, 2015, CAVA filed a Motion to Dismiss, arguing that the original complaint filed September 23, 2015 had been resolved by a Settlement Agreement that the parties had entered into on November 17, 2015.

CAVA's Motion is denied without prejudice. CAVA's Motion addresses the original complaint, which is no longer operative as it has been twice superseded by a first and second amended complaint, and determined insufficient. The denial is without prejudice. If and when Student files a third amended complaint, and depending on the allegations stated therein, CAVA may re-file.

IT IS SO ORDERED.

DATE: December 03, 2015

/s/

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings